



Fact Sheet

Authorization for Discharges from Beaufort County,
and the Towns of Bluffton and Hilton Head Island
under the SC NPDES General Permit for Storm Water
Discharges from Regulated Small MS4 SCR030000
Public Notice 15-813-R

Introduction:

This fact sheet has been prepared by the South Carolina Department of Health and Environmental Control's (DHEC or the Department) to set forth the principal facts involved in authorizing discharges from the regulated Small Municipal Separate Storm Sewer Systems (SMS4) located in Beaufort County and in the Towns of Bluffton and Hilton Head Island under the SC NPDES General Permit for Storm Water Discharges from Regulated Small MS4, SCR030000 as described in Public Notice 15-813-R.

These regulated SMS4 are conveyances or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned or operated by Beaufort County and by the Towns of Bluffton and Hilton Head Island. These entities have jurisdiction over the disposal of storm water under State and local law. The criterion for regulation as a small MS4 is based on the entity's inclusion in an Urbanized Area (as defined by the U.S. Census).

NPDES General Permit SCR030000 authorizes discharges composed entirely of storm water as defined in Section 402(p) of the Clean Water Act, SC Water Pollution Control Permits Regulation 61-9 and the permit itself. The Department has made a preliminary determination that authorization of these storm water discharges under SCR030000 is necessary to important economic or social development and that it will allow for maintenance of existing water uses.

DHEC has been delegated authority by EPA to implement the NPDES program within the state of South Carolina, including on Indian Lands. DHEC issued the effective NPDES General Permit for Storm Water Discharges from Regulated Small MS4, SCR030000, on November 1, 2003. This permit expires on December 31, 2018.

Background:

In 1987, the US Congress amended the Federal Clean Water Act to require EPA to implement an NPDES Stormwater Permit Program for municipal discharges. EPA was directed to develop a phased regulatory program for municipal type discharges. The municipal program includes counties as well as towns and cities. Based on these amendments, EPA promulgated the Phase I Stormwater NPDES Regulations in 1990 to address municipal separate storm sewer systems (MS4s). The Phase I regulations categorized MS4s as follows:

- Large MS4 - entities with a population of 250,000 or more.
- Medium MS4 - entities with a population of 100,000 or more but less than 250,000.

Phase I Federal Regulations required NPDES Permits for stormwater discharges from the Large and Medium MS4. SC has one large MS4 (SC Department of Transportation) and three Medium

MS4: City of Columbia, Greenville County, and Richland County. Each of these entities has been issued an individual NPDES Permit.

EPA promulgated Phase II Stormwater NPDES Regulations next, in 1999. This set of regulations established application and permit requirements for Small MS4.

The Small MS4 term refers to all conveyances, or systems of conveyances, (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) designed or used for collecting or conveying storm water that are owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the States, but is not defined as “large” or “medium” municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

The regulations cited above have been promulgated into South Carolina Regulation 61-9 (Water Pollution Control Permits) under §122.26(a)(9) and §122.26(b)(16).

Permit Requirements:

The proposed authorizations require Beaufort County and the Towns of Bluffton and Hilton Head Island to develop, implement and enforce a Storm Water Management Program (SWMP). Small MS4 operators must include in their SWMP measures to effectively prohibit non-storm water discharges to their system; implementation of controls to reduce the discharge of pollutants to the maximum extent practicable (MEP), to protect water quality; and implementation of best management practices (BMP), control techniques, or system design and engineering methods to satisfy appropriate requirements of the Clean Water Act (CWA). The SWMP must address the following six minimum control measures:

1. Public education and outreach on storm water impacts;
2. Public involvement / participation;
3. Illicit discharge detection and elimination;
4. Construction site storm water runoff control;
5. Post-construction storm water management in new development and redevelopment; and,
6. Pollution prevention / good housekeeping for municipal operations.

In addition to these measures, the permit contains Special Conditions Applicable to Permitted Storm Water Discharges to Sensitive Waters. Monitoring and Assessment Plans in TMDL watersheds, Water Quality Controls for Discharges to Impaired Water Bodies and protection of waters classified as Outstanding Resource Waters (ORW), Shellfish Harvesting (SFH) and Source Water Protection Areas (SWPA) are included among these special conditions.

Receiving Waters:

The small MS4 areas designated inside their geopolitical boundaries include portions of 12 Digit Hydrologic Unit Codes (HUC-12) watersheds;

Colleton River	(030502080606)
Chechesee River	(030502080607)
Broad River – Port Royal Sound	(030502080608)
Upper New River - Atlantic Intracoastal Waterway	(030601100201)
Lower New River – Atlantic Intracoastal Waterway	(030601100202)
May River	(030501040401)
Broad Creek	(030601100302)
Cooper River – Calibogue Sound	(030601100303)
Calibogue Sound	(030601100304)

Streams receiving discharges from the permitted area in the UA are classified as:

- Class FW - freshwaters suitable for primary and secondary contact recreation; these waters are also suitable as a source of drinking water supply after conventional treatment in accordance with the requirements of the Department, for fishing, and, with the exception of Class ORW, for industrial and agricultural uses,
- Class SA - tidal saltwaters suitable for primary and secondary contact recreation, crabbing, and fishing, except harvesting of clams, mussels, or oysters for market purposes or human consumption and uses listed in Class SB.
- Outstanding Resource Waters (ORW) - freshwaters or saltwaters which constitute an outstanding recreational or ecological resource.
- Shelfish Harvesting Waters (SFH) - tidal saltwaters protected for shellfish harvesting and uses listed in Class SA and Class SB.

All these waters are also suitable for the survival and propagation of a balanced indigenous aquatic community of marine fauna and flora. A fact sheet is available. The Department is seeking comment on this preliminary finding. In accordance with Section D.(2), Antidegradation, of the State Water Quality Standards, this notice provides public participation and intergovernmental coordination for this decision.

Obtaining Authorization to Discharge under the Permit:

New Permittees: Small MS4 to be granted authorization to discharge under the SC NPDES General Permit for Storm Water Discharges from Regulated Small MS4, SCR030000, were captured within the boundaries of the Hilton Head Island Urbanized Area, UA, according to the U.S. 2010 census. Beaufort County and the Towns of Bluffton and Hilton Head Island became automatically regulated and submitted their Notices of Intent, NOI, to be authorized under SCR030000.

Each of the entities proposed for coverage under this public notice are first time applicants. Meaningful review of their Notices of Intent was conducted to ensure functional equivalence of their proposed SWMP with the permit. Beaufort County, Bluffton and Hilton Head Island are first time applicant small MS4 whose number of outfalls will be determined by October 31, 2017. The Department's preliminary determination to authorize the applicants to discharge under the General Permit is open for public comment.

Once a final decision is reached on the proposed draft certificates of coverage, Beaufort County, SCR031301, Town of Bluffton, SCR031302, and Town of Hilton Head Island, SCR031303, will be issued their respective certificates of coverage as indicated above.

Reaching a Final Decision on the Draft Certificates of Coverage:

The public comment period for the draft Certificates of Coverage commences on August 31, 2015 and ends on September 30, 2015. Written comments will be accepted during this period. Written comments may be submitted to the attention of:

Mr. Arturo Ovalles
SCDHEC, Bureau of Water
2600 Bull Street
Columbia, SC 29201
Arturo.ovalles@dhec.sc.gov

Notice of this public comment period, along with this fact sheet and draft certificates of coverage have been mailed to the applicant, Federal and State agencies, stakeholders and interested parties. These documents are also available by visiting <http://www.scdhec.gov/PublicNotices/>. In addition, a public notice has been published in the Island Packet a daily Hilton Head Island Newspaper with the largest certified readership in the UA

All persons, including applicants, who believe any condition of the draft certificates of coverage is inappropriate or that the Department's preliminary determination to authorize these storm water discharges under SCR030000 is inappropriate, must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their position by the close of the public comment period.

Any supporting materials which are submitted shall be included in full and may not be incorporated by reference, unless they are already part of the administrative record in this proceeding, or consist of State or Federal statutes and regulations, Department and EPA documents of general applicability, or other generally available reference materials. Commenters shall make supporting materials not already included in the administrative record available.

Should a longer comment period than the one stipulated above be necessary to give commenters reasonable opportunity to raise issues and provide information during the public comment period, it is expected that commenters who may request additional time demonstrate the need for such time.

During the public comment period indicated above, any interested person may submit written comments on the draft Certificates of Coverage and may request a public hearing. All comments shall be considered in making the final decision and shall be answered. A request for a public hearing shall be made in writing and shall state the nature of the issues proposed to be raised in the hearing.

For other procedures for the public to participate in the final decision, visit <http://www.scdhec.gov/Agency/BoardofDirectors/GuidetoBoardReview/>